

V. DISPOSITION OF THE EPISODE INVESTIGATION REPORT

Upon completion of the Investigation Report by the CAC, the report is forwarded to DPR. Remember that if the CAC determines an incident is actually the jurisdiction of a different county, be sure to notify WH&S immediately (< 6 months) for human health incidents so they can transfer the case in CalPEATS as soon as possible to allow the investigating county adequate time.

A. Priority Episode Investigations

For a Priority Episode investigation, the CAC will upload the investigative report along with all supporting documents to CalPEATS. The DPR Enforcement Branch Liaison EBL has 15 working days to review the investigative report. The EBL notifies the CAC of any questions, concerns, or changes to be made and the CAC re-submits the corrected investigative report to CalPEATS. The 15 working day review process starts over until the EBL informs the CAC that the investigative report is complete.

B. Non-Priority Human Effects Episodes

Forward non-priority human illness investigations directly to WH&S through CalPEATS for review and evaluation. This also includes illness reports that do not have a WH&S number and were investigated by the CAC (e.g., allegation of illness directly reported to the CAC by any person or other government agencies). Note that if the jurisdiction is of a different County, be sure to transfer the case to DPR WH&S at the earliest time possible (< 6 months).

C. Employee/Citizen Complaints

The complainant has the right to receive a written report of your findings. Inform the complainant of any actions taken relative to the complaint and the reasons for such action (*Labor Code section 6309* requires a written report for employee complaints). This report should be specific and normally in the form of a letter to the complainant. If DIR referred the complaint to the CAC, send a copy of your findings to DIR.

D. Illegal Residue

Forward all reports of illegal residues (NTE and over tolerance) referred by DPR for follow-up to the appropriate EB regional office.

E. Non-Priority Environmental Effects, Property Loss or Damage

Upload to CalPEATS all non-priority episode investigation reports concerning property loss, animal (domestic and wild), fish or bird poisonings, or other environmental effects.

F. Public Records Requests

There are two principle California laws governing the handling of government held records. These laws are the Public Records Act (PRA) (*Government Code section 6250, et seq.*) and the Information Practices Act (IPA) (*Civil Code section 1798, et seq.*). In addition, Proposition 59, passed in 2004, makes the public's right to records a constitutional right and requires that statutes be broadly construed if they further the public's access to records and narrowly construed if they limit that right.

It should be presumed initially that all records, regardless of physical form or characteristics, including electronic records, held by DPR and CACs are public. However, some records, such as medical information and personal information, are normally precluded from disclosure (release) to protect the privacy of individuals. Other records, such as investigation files and some pre-decisional documents, are permitted to be held in confidence to facilitate efficient operation of the agency.

Generally, DPR and other agencies will not release files on pending investigations to the public.

For complaints, when a complainant requests confidentiality or when it is otherwise required:

- Avoid including the name of the complainant in any investigative report.
- If reference to the complainant is necessary to the narrative, simply state “a complaint was received.”
- The statements of the complainant can be included in the report without referencing the fact that he/she was the initial complainant.
- If the issue comes to a hearing and the case can be made against the respondent without the testimony of the complainant, there is no need to release any information concerning the complaint or the identity of the complainant to the respondent as part of the proceeding.

Records that are protected from public disclosure may be released to other State agencies that agree to treat the material as confidential without losing their protected status.

Each CAC should develop a procedure for handling requests for release of records and have it reviewed by your county counsel.

For a more comprehensive description of the State laws and of the DPR procedures and requirements regarding public records requests, see Compendium Volume 1, Appendix B at: https://www.cdpr.ca.gov/docs/enforce/compend/vol_1/index.htm .